



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

November 9, 2018

Ms. Victoria Gaines



Complaint No. 2104
Family Educational Rights
and Privacy Act

Dear Ms. Gaines:

This is in response to your July 5, 2018, complaint filed with the Family Policy Compliance Office (Office) in which you allege that Arizona State University (University) violated your rights under the Family Educational Rights and Privacy Act (FERPA). Specifically, you allege that the University violated FERPA when it improperly disclosed information from your education records. We apologize for the delay in addressing your concerns.

This Office has written Dr. Michael Crow, president of the University, to inform him of your allegation. Enclosed for your reference is a copy of that letter. Once this Office has had an opportunity to review the response from the University regarding your FERPA allegation, we will again be in contact with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Hawes".

Michael B. Hawes
Acting Director
Family Policy Compliance Office

Enclosure



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

November 9, 2018

Dr. Michael Crow
President
Arizona State University
P.O. Box 877705
Tempe, Arizona 85287

Complaint No. 2104
Family Educational Rights
and Privacy Act

Dear Dr. Crow:

Ms. Victoria Gaines (Student) has filed a complaint with the Family Policy Compliance Office (Office) alleging that Arizona State University (University) violated rights afforded students by the Family Educational Rights and Privacy Act (FERPA). This Office, under authority of § 99.60 of the FERPA regulations, investigates complaints in accordance with the procedures outlined in § 99.65. See <https://studentprivacy.ed.gov/node/548/>. The section states, in summary:

- The Office will notify the complainant and the institution against which the violation has been alleged, in writing, if it initiates an investigation of a complaint.
- The notification to the institution under this section shall include the substance of the alleged violation and shall ask the agency or institution to submit a written response to the complaint.

This letter serves to notify you of the allegation and to provide you the opportunity to submit a written response. We apologize for the delay in bringing this matter to your attention.

On July 10, 2018, this Office received a complaint from the Student alleging that the University violated § 99.30 of the FERPA regulations when it improperly disclosed information from her education records. Specifically, the Student alleges that in December, 2017, Ms. Micha Espinosa, associate professor, shared personally identifiable information from her education records including attendance records, medical records, job status, teaching schedule, and information about experience with trauma, with Ms. Catherine Fitzmaurice, founder of the Fitzmaurice Voice Institute, without consent. The Student states that Ms. Fitzmaurice has a close personal and professional relationship with Ms. Espinosa, but no formal relationship with the University.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Section 99.30 states:

The ... eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records. . . .

To complete the procedure outlined in § 99.65(a)(2) of the FERPA regulations, please investigate the Student's allegation and provide this Office a written response within four weeks after you receive this letter. If your investigation reveals that the alleged violation(s) of FERPA likely occurred, the written response should include a summary of any corrective actions taken, and your assurance that school officials have been provided training on the requirements of FERPA, as they relate to the issue.

In an effort to expedite the processing of this complaint, please email your response to FERPA.ComplaintResponse@ed.gov including the complaint number in the subject line. In lieu of sending your response electronically, you may send your written response to the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202 – 8520

You may also forward questions specific to this complaint to FERPA.Complaints@ED.Gov, or contact this Office, referencing your complaint number, via phone at 202-260-3887 and select Option #3. For general information concerning FERPA and the Office's complaint procedures, please visit our website at <https://studentprivacy.ed.gov/>.

Sincerely,



Michael B. Hawes
Acting Director
Family Policy Compliance Office

cc: Student